

United States Department of Agriculture,

OFFICE OF THE SECRETARY,
BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NOS. 117-118, FOOD AND DRUGS ACT.

117. Adulteration and misbranding of stock feed. (Low protein and fat content.)

118. Adulteration and misbranding of buckwheat flour. (As to presence of wheat and corn products.)

(N. J. 117.)

ADULTERATION AND MISBRANDING OF STOCK FEED.

(LOW PROTEIN AND FAT CONTENT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 3d day of June, 1909, in the district court of the United States for the western district of Michigan, in a prosecution by the United States against the Michigan Starch Company, a corporation of Traverse City, Mich., for violation of section 2 of the aforesaid act, in shipping and delivering for shipment from Michigan to New York a misbranded stock feed, the case having come on for trial and the said Michigan Starch Company having appeared through its attorney and entered a plea of guilty, the court imposed upon it a fine of \$50.

The facts in the case were as follows:

On January 30, 1908, an inspector of the Department of Agriculture purchased from J. H. Peters' Sons, Albany, N. Y., a sample of stock feed labeled and branded "Michigan Starch Co., Traverse City, Michigan, 100 lbs., Gluten Feed, 25% Protein, 3% Fat." The sample was part of a consignment shipped by the Michigan Starch Company from Traverse City, Mich., to John A. Becker, at Albany, N. Y., and subsequently sold by him to J. H. Peters' Sons. This sample was subjected to analysis in the Bureau of Chemistry, United States Department of Agriculture, and the following results obtained and stated:

	Per cent.
Moisture	9.32
Fat	2.48
Protein	23.31

It was apparent that the article was misbranded within the meaning of section 8 of the act, because it was labeled "25 per cent protein, 3 per cent fat," whereas the analysis showed that it contained only 23.31 per cent of protein and 2.48 per cent of fat.

The Secretary of Agriculture having afforded the manufacturer an opportunity to show any fault or error in the findings of the analyst, and it having failed to do so, the facts were, on January 11, 1909, reported to the Attorney-General and the case referred to the United States attorney for the western district of Michigan, who filed an information against the said Michigan Starch Company, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., November 24, 1909.

(N. J. 118.)

ADULTERATION AND MISBRANDING OF BUCKWHEAT FLOUR.

(AS TO PRESENCE OF WHEAT AND CORN PRODUCTS.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 8th day of June, 1909, in the district court of the United States for the southern district of Illinois, in a prosecution by the United States against Guy C. Ela and Catherine Scott, doing business as a copartnership under the name of the Ela Manufacturing Company, at Bloomington, Ill., for violation of section 2 of the aforesaid act, in shipping and delivering for shipment from Illinois to Ohio an adulterated and misbranded flour, that is to say, a flour labeled "Buckwheat Compound Flour," whereas it was a mixture of buckwheat, wheat flour, and corn meal, the said Guy C. Ela having appeared in court and waived trial by jury, the court found for the United States and imposed upon him a fine of \$25 and costs, and in so imposing the fine orally stated that the word "compound" indicated that there were two or more different substances present and that these different substances could not be known under one single name, such as buckwheat, and that, therefore, the label should state, in addition to the word "compound," what the different substances were that entered into the compound in order that the purchaser might know what he was buying.